

Attorney's Docket No.: 16083-138001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Briere et al.  
Patent No. : 6,898,092  
Issue Date : May 24, 2005  
Serial No. : 10/607,511  
Filed : June 25, 2003  
Title : EMI FILTER

Art Unit : 2838  
Examiner : Adolph D. Berhane

**MAILSTOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO FOR DUPLICATE LETTERS PATENT

Applicants respectfully petition under 37 CFR 1.182 for the issuance of a Duplicate Ribbon Copy of U.S. Patent No. 6,898,092.

A Declaration of Carol Tyrrell with Exhibits is attached showing the documented pertinent facts. The Tyrrell declaration and exhibits establish that the Original Ribbon Copy of U.S. Patent No. 6,898,092 was shipped from the undersigned attorney's office to the assignee via FEDEX on June 14, 2005 and that the package was lost in shipment by FEDEX.

Attached is a check in the amount of \$400 to cover the petition fee under 37 CFR 1.17(f). A refund of the petition fee is respectfully requested because the loss of the Original Ribbon Copy is not due in any way to the fault of applicants or their advisors.

Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 16083-138001.

10/04/2005 TBESHAH1 00000006 6898092

01 FC:1462

400.00 DP

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

SEPTEMBER 28, 2005

Signature

Carol Tyrrell

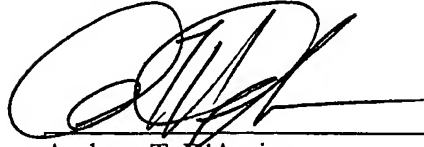
Typed or Printed Name of Person Signing Certificate

Carol Tyrrell

Applicant : Briere et al.  
Patent No. : 6,898,092  
Issued : May 24, 2005  
Serial No. : 10/607,511  
Filed : June 25, 2003  
Page : 2 of 2

Attorney's Docket No.: 16083-138001

Respectfully submitted,



Andrew T. D'Amico  
Reg. No. 33,375

Date: Sept. 28, 2005

Fish & Richardson P.C.  
Citigroup Center  
52nd Floor  
153 East 53rd Street  
New York, New York 10022-4611  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291

30249210



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Art Unit : 2838  
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Commissioner for Patents  
P.O. Box 1450  
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DECLARATION OF CAROL TYRRELL  
IN SUPPORT OF  
PETITION FOR DUPLICATE LETTERS PATENT

I, CAROL TYRRELL declare as follows:

1. I am an employee in the New York office of the law firm of FISH & RICHARDSON P.C. ("F&R") and have been a patent law secretary for 29 years.
2. Over the past ten years I have been secretary to Andrew T. D'Amico. During that time, I have assisted Mr. D'Amico in his patent prosecution work for PICOR Corporation ("PICOR"). In that capacity, I am responsible for reporting incoming correspondence to PICOR, including reporting and forwarding the original ribbon and several soft copies of newly issued patents. I have standing instructions to send original ribbon copies of newly issued patents as well as other important documents via FEDEX because of the ability to track the packages.
3. I received the original ribbon copy of U.S. Patent No. 6,898,092 ("the '092 patent") at the end of May 2005. As part of my standard practice, I sent a letter to PICOR on June 14, 2005 enclosing the original ribbon copy and several soft copies of the '092 patent via FEDEX (the "Picor package"). The tracking number for the Picor package was 792948757008

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SEPTEMBER 28, 2005  
Date of Deposit

Carol Tyrrell  
Signature

Carol Tyrrell  
Typed or Printed Name of Person Signing Certificate

as shown in the confirming June 14, 2005 e-mail received from FEDEX. (Ex. 1: FEDEX June 14 e-mail). The Picor package was left for pick-up with ten other packages at F&R's FEDEX pick-up location. All eleven packages, including the Picor package, were picked up by FEDEX in the usual course of business that evening. (*See* Ex. 3: Tyrrell June 23 e-mail).

4. On June 22, 2005, Daniel Crespo, our Office Services Supervisor, inquired about the packages I sent via FEDEX on June 14<sup>th</sup> including the Picor package. Mr. Crespo advised me that two other individuals in our NY office, Anthony Fletcher and Lisa Ng, sent packages via FEDEX on June 14<sup>th</sup> which had not been received and so he was investigating all packages sent that day.

5. After speaking with Mr. Crespo, I logged into the web-based FEDEX Ship Manager to check the status of the packages I sent and found that no data was available for any of the three packages. Mr. Crespo then contacted Susan Holzwanger, senior account executive at FEDEX, to enquire about the packages.

6. After checking with Mr. Fletcher and Ms. Ng, I confirmed that six F&R packages shipped using labels prepared with the web-based FEDEX Ship Manager on June 14, 2005 were lost. The other five packages sent that day used handwritten FEDEX labels and were not lost. I reported the problem with FEDEX to F&R's Accounting Department on June 22. (Ex. 2: Tyrrell June 22 e-mail).

7. On or about June 23, 2005, I contacted Nancy R. Scuncio, senior administrative assistant at PICOR to determine whether the Picor package was received. Ms. Scuncio advised me that the Picor package, including the original ribbon copy of the '092 patent, had not been received.

8. On the evening of June 22, 2005, Daniel Crespo, our Office Services Supervisor, spoke with Kevin Gray, the FEDEX representative responsible for picking up packages from F&R, when he arrived to pick up the packages for that night. The following day, I reported to F&R's management the substance of that conversation in which Mr. Gray said that he scanned the packages as usual on the evening of June 14, 2005, that he didn't notice any problems at that

time, and that he had heard of this type of problem occurring on at least one other occasion. (Ex. 3: Tyrrell June 23 e-mail).

9. On June 23, 2005, I spoke with Nancy Marino at FEDEX in my attempts to recover the lost packages, including the Picor package. Ms. Marino assured me that FEDEX was searching for the lost packages and that F&R would not be charged for their delivery when found. I reported the substance of my June 23, 2005 conversation with Ms. Marino to F&R's management. (Ex. 3: Tyrrell June 23 e-mail).

10. In a June 24, 2005 e-mail, Ms. Marino advised that FEDEX did not have the missing packages in their system and that although 11 labels were created on June 14<sup>th</sup>, only 5 packages were recorded as picked up. (Ex. 4: Marino June 24 e-mail).

11. I continued working with FEDEX after June 24<sup>th</sup> to locate the Picor package containing the original ribbon copy of the '092 patent.

12. In my June 28<sup>th</sup> reply to Ms. Marino's e-mail request (Ex. 5: Marino June 28 e-mail), I provided additional details regarding the contents of three missing packages I sent on June 14<sup>th</sup> which included the Picor package containing the '092 patent. (Ex. 6: Tyrrell June 28 e-mail). I also recounted that by that time, three F&R employees, Daniel Crespo, Francisco Robles, and Peter Consoli had each separately spoken with Kevin Gray, the FEDEX representative responsible for picking up the packages, who had confirmed that he picked up all eleven packages on June 14<sup>th</sup> and did not recall having any problems with the packages. (Ex. 6: Tyrrell June 28 e-mail).

13. Ms. Marino acknowledged receipt of the information and advised that FEDEX was still looking for the missing packages. (Ex. 7: Marino June 28 e-mail).

14. Ms. Marino sent another email on June 29<sup>th</sup> informing me that FEDEX's terminal manager and staff were assisting in the search for the missing packages. (Ex. 8: Marino June 29 e-mail).

15. On July 25<sup>th</sup>, Ms. Marino advised me that FEDEX had completed a thorough search of their facility which failed to recover the lost packages. (Ex. 9: Marino July 5 e-mail). Although Ms. Marino's apology for FEDEX implies that the packages were never scanned (Ex.

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9: Marino July 5 e-mail), the responsible FEDEX representative said on at least three separate occasions said that he did scan and pick-up the lost packages (Ex. 6: Tyrrell June 28 e-mail).

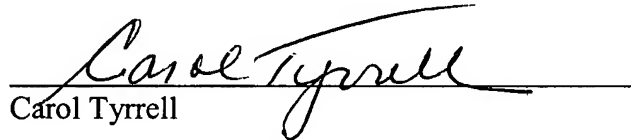
16. On September 20, I sent another e-mail inquiry to FEDEX regarding the lost Picor package. (Ex. 10: Tyrrell September 20 e-mail). Glenn Tomczak, a FEDEX representative, confirmed in his September 20<sup>th</sup> e-mail that the package was still not recovered. (Ex. 11: Tomczak September 20 e-mail). In her September 22<sup>nd</sup> e-mail, Ms. Marino confirmed that the lost Picor package was not found and disavowed FEDEX's responsibility in the matter again contradicting the FEDEX representative responsible for picking up the package. (Ex. 12: Marino September 22 e-mail).

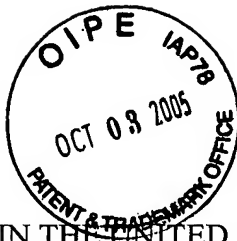
17. I now believe that FEDEX has irretrievably lost the package containing the original ribbon copy of the '092 patent.

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: \_\_\_\_\_

9-28-05

  
Carol Tyrrell



Attorney's Docket No.: 16083-138001

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EXHIBITS TO  
DECLARATION OF CAROL TYRRELL

- Ex. 1: FEDEX June 14 e-mail
- Ex. 2: Tyrrell June 22 e-mail
- Ex. 3: Tyrrell June 23 e-mail
- Ex. 4: Marino June 24 e-mail
- Ex. 5: Marino June 28 e-mail
- Ex. 6: Tyrrell June 28 e-mail
- Ex. 7: Marino June 28 e-mail
- Ex. 8: Marino June 29 e-mail
- Ex. 9: Marino July 5 e-mail
- Ex. 6: Tyrrell June 28 e-mail
- Ex. 10: Tyrrell September 20 e-mail
- Ex. 11: Tomczak September 20 e-mail
- Ex. 12: Marino September 22 e-mail

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

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SEPTEMBER 28, 2005  
Date of Deposit

Carol Tyrrell  
Signature

Carol Tyrrell  
Typed or Printed Name of Person Signing Certificate



Carol Tyrrell

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**From:** [cmotreply@fedex.com](mailto:cmotreply@fedex.com)  
**Sent:** Tuesday, June 14, 2005 3:44 PM  
**To:** Carol Tyrrell  
**Subject:** FedEx shipment 792948757008

Carol Tyrrell of Fish and Richardson sent Mr. Claudio Tuozzolo of Picor Corporation a Priority Overnight FedEx Envelope.

This shipment is scheduled to be sent on 14JUN05.

The tracking number(s) are: 792948757008

To track this shipment online click on the following link:  
[http://www.fedex.com/Tracking?tracknumbers=792948757008  
&action=track&clienttype=fsm&language=english&cntry\\_code=us](http://www.fedex.com/Tracking?tracknumbers=792948757008&action=track&clienttype=fsm&language=english&cntry_code=us)

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FedEx Ship Manager at [fedex.com](http://fedex.com) is the world's first shipping application accessible via the internet. With FedEx Ship Manager, you no longer need to handwrite airbills or install additional software.

Register for FedEx Ship Manager and try the future of shipping today!  
[https://www.fedex.com/cgi-bin/ship\\_it/interNetShip?us](https://www.fedex.com/cgi-bin/ship_it/interNetShip?us)

Disclaimer

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FedEx has not validated the authenticity of any email address.



## Carol Tyrrell

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**From:** Carol Tyrrell  
**Sent:** Wednesday, June 22, 2005 5:03 PM  
**To:** Agnes Minkus; Alan Marquardt; Alice Conti; Alison Boos; Allan Smith-Accounting; Andrea Brownell; Avril Troope; Barbara Gomez; Barbara L. Mullins; Charmaine Williams; Christina R. Young; Christine Kramer; Clarisa Williams; Collette P. McDonagh; Daria Bigelow; Debra Hooton; Debra L. Wilkens; Denise Brown; Dolores Parsons; Douglas P. Leu; Eftali Jano; Eric Anderson; Gary L. Milliken; George Howard; Jackie Mullins; James Fant; Jennifer Camacho; Jody Heyward; Kerry Murphy; Kevin O'Connor; Kristen Nestor; Lisa S. Eng; Maria A. Lombardi; Matthew Shoemaker; Michael Pittman; Michelle Giordano; Monica Lewis; Nadege Altenord; Noeme V. Vinoya; Paula D. Martin; Randi Johnson; Robert Ryan; Ronald W. Gagne; Sandra Preston; Sarfaraz Nasir; Shahriyar Pirayesh; Sharon A. Downey; Sheryl Comperchio; Timothy McGaughey; Traci Sullivan; Tracy R. Butler; Veronica Hernandez; William P. Malone; Barbara Gomez; Janet S. Wennberg  
**Cc:** Jack Brennan; Daniel Crespo; Francisco Robles; Rosanna Cicco; Adriano Ferreira  
**Subject:** Problems with Federal Express on Tuesday, June 14, 2005.  
**Importance:** High

I am sending this email to let you know that last Tuesday, June 14th, FedEx had a computer-system malfunction that caused them to lose all packages that were sent out through online shipping preparation. Needless to say, there were some very important items being shipped to our clients that were lost. I personally had three shipments going out that day, original Letters Patents, certified copies of applications from the PTO needed for PCT filings, etc. that will take time to replace and ultimately cost our client additional money to file. There were others from the NY office that had shipments that were lost as well. Any shipments that were sent via hand-written FedEx labels, were not effected. I don't know if this is the case for all offices, or just the NY office, but our Office Services Dept. is in close contact with them to try to recover these packages. If and when these packages are recovered, I think FedEx should absorb the costs of their delivery.

So much for the accuracy and convenience of online shipping!

Carol Tyrrell  
Administrative Trainer  
 **Fish & Richardson P.C.**  
Citigroup Center - 52nd Floor  
153 East 53rd Street  
New York, New York 10022-4611  
Tel (212)765-5070  
Fax (212)258-2291

tyrrell@fr.com <<< <mailto:tyrrell@fr.com>>>>> This e-mail message is intended for the sole use of the intended recipient(s) and may contain information that is confidential, privileged and/or attorneys' work product. Any review or distribution by any other person is prohibited. If you are not an intended recipient, please immediately contact the sender and delete all copies.

## Carol Tyrrell

---

**From:** Carol Tyrrell  
**Sent:** Thursday, June 23, 2005 10:26 AM  
**To:** Sandra Preston; Elizabeth Butler; Alison Boos; Barbara Gomez; Agnes Minkus  
**Cc:** Jack Brennan; Daniel Crespo; Francisco Robles; Rosanna Cicco; Adriano Ferreira  
**Subject:** \*\*June 23rd UPDATE re Problems with Federal Express on Tuesday, June 14, 2005.

**Importance:** High

Nancy Marino called me this morning to tell me that she doesn't think this was a "passkey problem" but an "operational problem". She thinks this was an isolated situation in New York only. Our Office Services Dept. spoke to the FedEx rep last night when he came to pick up packages and the rep said he scanned them as usual, and didn't notice any problems, but has heard of something like this happening once or twice in the past (of course, not to us).

Nancy reassured me that FedEx is doing everything possible to try to locate these packages and that there will be NO charge for their delivery once they are found. Nancy asked me to send this email to let you know what she has told me so far about the situation. I will keep you updated if I find out anything else and certainly if the packages are found.

Thanks,  
Carol

---

**From:** Carol Tyrrell  
**Sent:** Wednesday, June 22, 2005 5:03 PM  
**To:** Agnes Minkus; Alan Marquardt; Alice Conti; Alison Boos; Allan Smith-Accounting; Andrea Brownell; Avril Troope; Barbara Gomez; Barbara L. Mullins; Charmaine Williams; Christina R. Young; Christine Kramer; Clarisa Williams; Collette P. McDonagh; Daria Bigelow; Debra Hooton; Debra L. Wilkens; Denise Brown; Dolores Parsons; Douglas P. Leu; Eftali Jano; Eric Anderson; Gary L. Milliken; George Howard; Jackie Mullins; James Fant; Jennifer Camacho; Jody Heyward; Kerry Murphy; Kevin O'Connor; Kristen Nestor; Lisa S. Eng; Maria A. Lombardi; Matthew Shoemaker; Michael Pittman; Michelle Giordano; Monica Lewis; Nadege Altenord; Noeme V. Vinoya; Paula D. Martin; Randi Johnson; Robert Ryan; Ronald W. Gagne; Sandra Preston; Sarfaraz Nasir; Shahriyar Pirayesh; Sharon A. Downey; Sheryl Comperchio; Timothy McGaughey; Traci Sullivan; Tracy R. Butler; Veronica Hernandez; William P. Malone; Barbara Gomez; Janet S. Wennberg  
**Cc:** Jack Brennan; Daniel Crespo; Francisco Robles; Rosanna Cicco; Adriano Ferreira  
**Subject:** Problems with Federal Express on Tuesday, June 14, 2005.  
**Importance:** High

I am sending this email to let you know that last Tuesday, June 14th, FedEx had a computer-system malfunction that caused them to lose all packages that were sent out through online shipping preparation. Needless to say, there were some very important items being shipped to our clients that were lost. I personally had three shipments going out that day, original Letters Patents, certified copies of applications from the PTO needed for PCT filings, etc. that will take time to replace and ultimately cost our client additional money to file. There were others from the NY office that had shipments that were lost as well. Any shipments that were sent via hand-written FedEx labels, were not effected. I don't know if this is the case for all offices, or just the NY office, but our Office Services Dept. is in close contact with them to try to recover these packages. If and when these packages are recovered, I think FedEx should absorb the costs of their delivery.

So much for the accuracy and convenience of online shipping!

Carol Tyrrell

Administrative Trainer

 Fish & Richardson P.C.

Citigroup Center - 52nd Floor

153 East 53rd Street

New York, New York 10022-4611

Tel (212)765-5070

Fax (212)258-2291

**Carol Tyrrell**

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**From:** Nancy Marino [njmarino@fedex.com]  
**Sent:** Friday, June 24, 2005 7:03 AM  
**To:** Carol Tyrrell; Susan Holzwanger  
**Cc:** Elizabeth Butler  
**Subject:** "Missing packages"  
**Attachments:** Nancy Marino.vcf

Carol,

Based on information from Customer Service and our internal screens that shows the efforts we went to locate, we do not have these packages in our system.

I will continue to search. But as we discussed, if for any reason we 'missed' a scan there are at least 10 other scans on a package, if the hand held tracker did not pick up the scan, it would have to be manually entered by your driver (which they occasionally do if the bar code was not read in the hand held.)

Based on our pick up records, there were 11 'labels' created on the 14th but only 5 packages recorded as picked up on the 14th.

I will continue to work with our local folks to get as much information as I can for us to determine where these are and what happened.

Nancy

## Carol Tyrrell

---

**From:** Nancy Marino [njmarino@fedex.com]  
**Sent:** Tuesday, June 28, 2005 7:48 AM  
**To:** Carol Tyrrell; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"  
**Attachments:** Nancy Marino.vcf

Carol,

As per my phone message yesterday, please send us the following information on these packages that are still missing from June 14th:

Tracking number  
Type of FedEx Packaging (Letter, pack, box)  
Exact description of contents of each

Glenn-ref account number 1923-9217-9 Citigroup Center 52nd floor  
Our driver who handles this route picked up 5 packages on June 14th. All packages were left in the normal area for pup. According to our screens 11 fedex.com labels were created (the 5 we have record of were on hand written airbills)

The 11 packages from fedex.com generated airbills are missing.

here is an example of a tracking number:790544386460 the only record we have is a rev scan. Nothing else. We confirmed the bar codes are fine and as I explained to our customer, if there is a problem with the bar code we will manually enter the information.

Could you again ask that your station be checked ? Memphis over goods is also working with me to try and locate. This one is baffling since he picks up from the same area every night without any problems. Many of these contain original documents

In advance, thanks

---

**From:** Nancy Marino  
**Sent:** Friday, June 24, 2005 6:03 AM  
**To:** tyrrell@fr.com; Susan Holzwanger  
**Cc:** Elizabeth Butler  
**Subject:** "Missing packages"

Carol,

Based on information from Customer Service and our internal screens that shows the efforts we went to locate, we do not have these packages in our system.

I will continue to search. But as we discussed, if for any reason we 'missed' a scan there are at least 10 other scans on a package, if the hand held tracker did not pick up the scan, it would have to be manually entered by your driver (which they occasionally do if the bar code was not read in the hand held.)

## Carol Tyrrell

---

**From:** Carol Tyrrell  
**Sent:** Tuesday, June 28, 2005 9:31 AM  
**To:** 'Nancy Marino'; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"

**Tracking:**   **Recipient**                      **Read**  
                  'Nancy Marino'  
                  Susan Holzwanger  
                  Glenn Tomczak  
                  Elizabeth Butler      Read: 6/28/2005 10:21 AM  
                  Janet S. Wennberg Read: 6/28/2005 9:46 AM

Nancy,

Once again, the information is as follows:

790544386460 to Stockholm, Sweden  
FedEx Envelope  
Contents: original certified copy of a provisional patent application

792948757008 to North Smithfield, RI  
FedEx Envelope  
Contents: original Letters Patent

790052829164 to be held for pickup by the recipient at the FedEx station in Santa Monica, CA (925 Wilshire Boulevard, Ste. B, Santa Monica, CA 90401)  
FedEx Box  
Contents: office supplies

Our Office Services Supervisor, Daniel Crespo, his assistant Francisco Robles and our night Office Services assistant, Pete Consoli, all separately questioned the FedEx driver as well and he told them that he remembers picking up and scanning all eleven packages and does not remember having any problems when he scanned them. The packages were left at the only location our office uses for FedEx pickup, which is a small area between the mailroom and the main corridor on the 52nd floor and the driver confirmed that he picked up the eleven packages at that location.

I thank you and everyone involved for the efforts being made in trying to locate these packages. Please call me today when you get a chance at 212-641-2243.

Thanks,  
Carol

---

**From:** Nancy Marino [mailto:njmarino@fedex.com]  
**Sent:** Tuesday, June 28, 2005 7:48 AM  
**To:** Carol Tyrrell; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"

## Carol Tyrrell

---

**From:** Nancy Marino [njmarino@fedex.com]  
**Sent:** Tuesday, June 28, 2005 9:35 AM  
**To:** Carol Tyrrell; Susan Holzwanger; Glenn Tomczak; Mary Hampton  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"  
**Attachments:** Nancy Marino.vcf

Carol,

My thanks to you for your continued patience while we locate.

Mary-please see the attached information with description of packaging and content.

Nancy

---

**From:** Carol Tyrrell [mailto:Tyrrell@fr.com]  
**Sent:** Tuesday, June 28, 2005 8:31 AM  
**To:** Nancy Marino; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"

Nancy,

Once again, the information is as follows:

790544386460 to Stockholm, Sweden  
FedEx Envelope  
Contents: original certified copy of a provisional patent application

792948757008 to North Smithfield, RI  
FedEx Envelope  
Contents: original Letters Patent

790052829164 to be held for pickup by the recipient at the FedEx station in Santa Monica, CA (925 Wilshire Boulevard, Ste. B, Santa Monica, CA 90401)  
FedEx Box  
Contents: office supplies

Our Office Services Supervisor, Daniel Crespo, his assistant Francisco Robles and our night Office Services assistant, Pete Consoli, all separately questioned the FedEx driver as well and he told them that he remembers picking up and scanning all eleven packages and does not remember having any problems when he scanned them. The packages were left at the only location our office uses for FedEx pickup, which is a small area between the mailroom and the main corridor on the 52nd floor and the driver confirmed that he picked up the eleven packages at that location.

I thank you and everyone involved for the efforts being made in trying to locate these packages. Please call me today when you get a chance at 212-641-2243.

## Carol Tyrrell

---

**From:** Nancy Marino [njmarino@fedex.com]  
**Sent:** Wednesday, June 29, 2005 6:40 AM  
**To:** Carol Tyrrell; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"  
**Attachments:** Nancy Marino.vcf

Carol,

Our terminal manager and his staff are also assisting in the search for these packages. I will continue to update you with any results.

Thus far, based on the information I am seeing we have not found these missing packages.

Nancy

---

**From:** Carol Tyrrell [mailto:Tyrrell@fr.com]  
**Sent:** Tuesday, June 28, 2005 8:31 AM  
**To:** Nancy Marino; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"

Nancy,

Once again, the information is as follows:

790544386460 to Stockholm, Sweden  
FedEx Envelope  
Contents: original certified copy of a provisional patent application

792948757008 to North Smithfield, RI  
FedEx Envelope  
Contents: original Letters Patent

790052829164 to be held for pickup by the recipient at the FedEx station in Santa Monica, CA (925 Wilshire Boulevard, Ste. B, Santa Monica, CA 90401)  
FedEx Box  
Contents: office supplies

Our Office Services Supervisor, Daniel Crespo, his assistant Francisco Robles and our night Office Services assistant, Pete Consoli, all separately questioned the FedEx driver as well and he told them that he remembers picking up and scanning all eleven packages and does not remember having any problems when he scanned them. The packages were left at the only location our office uses for FedEx pickup, which is a small area between the mailroom and the main corridor on the 52nd floor and the driver confirmed that he picked up the eleven packages at that location.

I thank you and everyone involved for the efforts being made in trying to locate these packages. Please call me

## Carol Tyrrell

---

**From:** Nancy Marino [njmarino@fedex.com]  
**Sent:** Tuesday, July 05, 2005 6:25 AM  
**To:** Carol Tyrrell; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"  
**Attachments:** Nancy Marino.vcf

Carol,

I just got word from Memphis. They have conducted a complete and thorough search for your packages and they cannot locate.

Glenn, I will call you later today to discuss a bit further.

Again, our apologies we will work to find out what happened and why these packages, left in the FedEx pick up spot, were never scanned or found in our system

Regards, Nancy

---

**From:** Carol Tyrrell [mailto:Tyrrell@fr.com]  
**Sent:** Tuesday, June 28, 2005 8:31 AM  
**To:** Nancy Marino; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"

Nancy,

Once again, the information is as follows:

790544386460 to Stockholm, Sweden  
FedEx Envelope  
Contents: original certified copy of a provisional patent application

792948757008 to North Smithfield, RI  
FedEx Envelope  
Contents: original Letters Patent

790052829164 to be held for pickup by the recipient at the FedEx station in Santa Monica, CA (925 Wilshire Boulevard, Ste. B, Santa Monica, CA 90401)  
FedEx Box  
Contents: office supplies

Our Office Services Supervisor, Daniel Crespo, his assistant Francisco Robles and our night Office Services assistant, Pete Consoli, all separately questioned the FedEx driver as well and he told them that he remembers picking up and scanning all eleven packages and does not remember having any problems when he scanned them. The packages were left at the only location our office uses for FedEx pickup, which is a small area between the mailroom and the main corridor on the 52nd floor and the driver confirmed that he picked up the



## Carol Tyrrell

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**From:** Carol Tyrrell  
**Sent:** Tuesday, September 20, 2005 10:24 AM  
**To:** 'Nancy Marino'; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler; Andrew D'Amico  
**Subject:** RE: "Missing packages"

| Tracking: | Recipient        | Read                     |
|-----------|------------------|--------------------------|
|           | 'Nancy Marino'   |                          |
|           | Susan Holzwanger |                          |
|           | Glenn Tomczak    |                          |
|           | Elizabeth Butler | Read: 9/20/2005 10:43 AM |
|           | Andrew D'Amico   | Read: 9/20/2005 11:54 AM |

Nancy,

Please confirm that the FedEx package (Tracking No. 792948757008), addressed to 51 Industrial Drive, North Smithfield, RI, which has been missing from June 14, 2005 has still not been located by any employees of Federal Express as of the present date. I have heard nothing further from you or any other FedEx representative since July 5, 2005.

Thank you,  
Carol Tyrrell

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**From:** Nancy Marino [mailto:njmarino@fedex.com]  
**Sent:** Tuesday, July 05, 2005 6:25 AM  
**To:** Carol Tyrrell; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"

Carol,

I just got word from Memphis. They have conducted a complete and thorough search for your packages and they cannot locate.

Glenn, I will call you later today to discuss a bit further.

Again, our apologies we will work to find out what happened and why these packages, left in the FedEx pick up spot, were never scanned or found in our system

Regards,Nancy

---

**From:** Carol Tyrrell [mailto:Tyrrell@fr.com]  
**Sent:** Tuesday, June 28, 2005 8:31 AM  
**To:** Nancy Marino; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler

## Carol Tyrrell

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**From:** Glenn Tomczak [getomczak@fedex.com]  
**Sent:** Tuesday, September 20, 2005 11:44 AM  
**To:** Carol Tyrrell  
**Subject:** Re: "Missing packages"

Hi Carol,

I am not aware of these packages being found. Please let me know if you need any additional information.

----- Original Message -----

**From:** Carol Tyrrell  
**To:** [Nancy Marino](#) ; [Susan Holzwanger](#) ; [Glenn Tomczak](#)  
**Cc:** [Elizabeth Butler](#) ; [Andrew D'Amico](#)  
**Sent:** Tuesday, September 20, 2005 10:23 AM  
**Subject:** RE: "Missing packages"

Nancy,

Please confirm that the FedEx package (Tracking No. 792948757008), addressed to 51 Industrial Drive, North Smithfield, RI, which has been missing from June 14, 2005 has still not been located by any employees of Federal Express as of the present date. I have heard nothing further from you or any other FedEx representative since July 5, 2005.

Thank you,  
Carol Tyrrell

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**Cc:** Elizabeth Butler  
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Glenn, I will call you later today to discuss a bit further.

Again, our apologies we will work to find out what happened and why these packages, left in the FedEx pick up spot, were never scanned or found in our system

Regards, Nancy

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**From:** Carol Tyrrell [mailto:Tyrrell@fr.com]  
**Sent:** Tuesday, June 28, 2005 8:31 AM  
**To:** Nancy Marino; Susan Holzwanger; Glenn Tomczak

## Carol Tyrrell

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**From:** Nancy Marino [njmarino@fedex.com]  
**Sent:** Thursday, September 22, 2005 9:06 AM  
**To:** Carol Tyrrell; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler; Andrew D'Amico  
**Subject:** RE: "Missing packages"  
**Attachments:** Nancy Marino.vcf

Carol,

I reviewed all of the emails we sent to you and I do apologize for not finalizing the information. FedEx, based on exhaustive searches, still has no record of receiving this package.

As we discussed, if this package came into the FedEx system we would have a scan on the package at some point in transit. We average 10-12 scans per package.

I am doing one additional search-through our data base of every shipment made between the ship date throughout the month of July. This is a final check for us.

Again my apologies for not finalizing the information back to you

Nancy

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**From:** Carol Tyrrell [mailto:Tyrrell@fr.com]  
**Sent:** Tuesday, September 20, 2005 9:24 AM  
**To:** Nancy Marino; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler; Andrew D'Amico  
**Subject:** RE: "Missing packages"

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Thank you,  
Carol Tyrrell

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**From:** Nancy Marino [mailto:njmarino@fedex.com]  
**Sent:** Tuesday, July 05, 2005 6:25 AM  
**To:** Carol Tyrrell; Susan Holzwanger; Glenn Tomczak  
**Cc:** Elizabeth Butler  
**Subject:** RE: "Missing packages"